IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE

CRI. WRIT PETITION NO. 521 OF 2004

Office Notes, Office Memoranda of :
of Coram, appearances, Court's orders : Court's or Judge's orders
and Registrar's orders. :

Mr. S.D. Khot for the petitioner.

Mr. D.S. Mhaispurkar, A.P.P. for the respondents.

CORAM: R.M.S. KHANDEPARKAR &
P.V. KAKADE, JJ.

DATED: 28TH JANUARY, 2005

P.C.:

1. Heard. Perused the record including the affidavit in reply. Bare perusal of the impugned order disclose that the same has been passed without proper application of mind and on the grounds which are not germane from the record. On that count itself, the impugned order is liable to be quashed and set aside and accordingly it is quashed and set aside. The matter is remanded and the authorities should reconsider the application filed by the petitioner in accordance with the provisions of law and pass the appropriate order. In case the surety proposed to be given by the petitioner is not acceptable to the authorities, the authorities should give opportunity

to the petitioner to furnish new surety. Needless to say that, in case of necessity, the authorities shall be entitled to impose whatever lawful conditions which could be imposed on the petitioner for grant of furlough.

2. With these observations, the authorities are directed to reconsider the application of the petitioner in accordance with the provisions of law.

3. The authorities are directed to dispose of the application as early as possible and in any case within a period of six weeks from today. Petition is accordingly disposed of. Respondents to inform the petitioner about this order.

(R.M.S. Khandeparkar, J.)

(P.V. Kakade, J.)